

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

| | | |
|--------------------------|---|---------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Case No. 1:11-cr-37 |
| v. |) | |
| |) | MATTICE / LEE |
| |) | |
| JAMES DAVID POTEETE |) | |

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Counts One, Two and Three of the fourteen-count Indictment; (2) accept Defendant's plea of guilty to Counts One, Two and Three of the Indictment; (3) adjudicate Defendant guilty of the charges set forth in Counts One, Two and Three of the Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) Defendant has been released on bond under appropriate conditions of release pending sentencing in this matter without objection [Doc. 44]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 44] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Counts One, Two and Three of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Counts One, Two and Three of the Indictment is **ACCEPTED**;

- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Counts One, Two and Three of the Indictment;
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** on bond under appropriate conditions of release pending sentencing in this matter without objection which is scheduled to take place on **Monday, November 14, 2011 at 2:00 p.m.** before the Honorable Harry S. Mattice, Jr.

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE